

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ELISEO LOPEZ MARTINEZ,

Defendant.

CR 13-26-BLG-SPW

ORDER

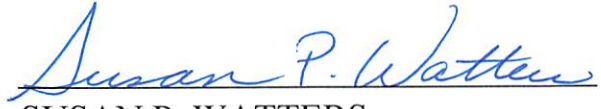
Defendant Eliseo Lopez Martinez filed a motion asking the Court to reconsider its denial of his motion for a reduction of his sentence pursuant to 18 U.S.C. § 3582(2) and Amendment 821 to the U.S. Sentencing Guidelines. (Doc. 359). Martinez explains his remorse for his criminal conduct and efforts to better himself. (*Id.* at 1).

The Court denies Martinez's request. Relief pursuant 18 U.S.C. § 3582(2) and Amendment 821 to the U.S. Sentencing Guidelines is available only in two scenarios. First, when a defendant received "status points" because they committed the instant offense while under a criminal justice sentence. Second, a defendant who did not receive any criminal history points and whose instant offense did not involve specific aggravating factors. *See* USSG Ret. App. A & B, Sub. 1 Amendment 821 "Reasons for Amendment" (Nov. 1, 2023).

As the Court explained in its initial denial of Martinez's motion (Doc. 358), Martinez's neither received status points nor had zero criminal history points. Martinez's remorse and efforts to improve himself while incarcerated have no impact on his eligibility for a sentence reduction under Amendment 821.

IT IS SO ORDERED that Martinez's motion for reconsideration (Doc. 359) is DENIED.

DATED this 6<sup>th</sup> day of June, 2024.

  
SUSAN P. WATTERS  
United States District Judge